

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re JOHN NORMAN NEY,

No. C 07-0637 PJH (PR)

Petitioner.

**ORDER OF DISMISSAL**

This case was opened when petitioner wrote to the clerk saying that he wished to "continue [his] appeal" of his state criminal conviction "on the federal level." In an effort to protect petitioner's rights the letter was treated as commencing a new habeas case. A notice was sent to petitioner telling him that he had not paid the filing fee or applied for leave to proceed in forma pauperis. He completed the in forma pauperis form and returned it, which suggested that he did intend to start a case. The court therefore ordered him to file a petition on the court's form, or including the information asked for on the form, within thirty days.

No petition carrying the case number for this case has been received, but petitioner did file a form habeas petition without a case number. It was treated as a new petition and given case number C 07-2835 PJH (PR). Because it was directed to a conviction obtained in Tulare County, which is in the Eastern District, it was transferred to that district. In any event, petitioner has not filed a petition in this case, so it is **DISMISSED** without prejudice. The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: 7/24/07



PHYLLIS J. HAMILTON  
United States District Judge